



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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BUILDING DIVISION POLICY #4

PROCEDURE FOR BUILDING APPLICATION AND PERMIT EXTENSION OR REINSTATEMENT

PREVIOUS POLICY

None.

PURPOSE

The purpose of this policy is to outline the due process requirements when a Building Permit Application ("Application") or an Issued Building Permit ("Permit") exceeds the regulatory timeframe for completion described in the relevant codes. There is a variety of circumstances that contribute to this situation, including but not limited to; Planning and Building Services Department Building Division ("Division") or other jurisdictional authority review, applicant/permit holder corrective actions needed, or emergencies/disasters. This policy will address these circumstances, and the required processes related to Application and Permit extensions and reinstatements. The Chief Building Official ("CBO") reserves the right to grant exceptions to this policy within his authority to do so, and to make determinations for situations that are not captured within this policy.

DEFINITIONS

"Active" – The Application or Permit is in "good standing" with the Division and is within the statutory timeframe for completion.

"Building Code Cycle" – A building code cycle is a period of time when building codes are updated and amended to incorporate the latest construction and safety standards. The cycle typically takes place every three years.

"Expired" – The Application or Permit is outside of the statutory timeframe for completion and no exception has been granted by the Division.

"Extension" – To extend the statutory timeframe for successful completion of an active Application or Permit, before the date of expiration.

"Reinstatement" – Also referred to as "Renewal", to bring an Application or Permit into an active state once it has expired.

OBJECTIVES

The objectives of this policy are to provide:

- A procedure to be consistently followed by all Division staff when reviewing the necessary documentation and taking action related to extensions and reinstatements of Applications and Permits.
- A clear understanding of the process and requirements for the benefit of the applicants and permit holders.

Building Division Policy #4 - Procedure for Building Application and Permit Extension or Reinstatement

AUTHORITY

The authority for this procedure is contained in the Mendocino County Code ("MCC") Title 18 – *Building Regulations* Chapter 18.04 – *In General*, and the California Building Code ("CBC") Section [A] 105.

PROCEDURE

APPLICATION EXTENSION – MCC § 18.04.035

Applications are valid for one (1) year, three hundred sixty-five (365) calendar days, from the original date of submission.

Application Extensions are valid for one hundred eighty (180) calendar days from the expiration date of the Application.

The Division may extend the Application timeframe for completion without cost to the applicant if:

- The Application is active, **AND**
- The Application has been in the Division's or another jurisdictional authority's review process, without requiring applicant action, for more than one hundred eighty (180) consecutive days during the life of the Application, **OR**
- An emergency declaration or natural disaster impacts the Division's ability to process the Application or the applicant's ability to participate in the application process, **OR**
- The Division made an error that directly or indirectly impacts the Application or application process, **OR**
- The Application has been pursued in good faith as determined by the Building Official, **AND**
- The Division has documented in writing¹ the justifiable cause demonstrated to extend the Application as part of the Application record.

The applicant may request an Application extension of the timeframe for completion if:

- The Application is active, **AND**
- The request is made in writing², preferably on the appropriate Department issued form, **AND**
- The request demonstrates justifiable cause to extend, including but not limited to; hardship(s) or delays outside of the applicant's control related to the professionals providing services, such as agents, architects, or contractors, **AND**
- A payment of the required fee as established by the Mendocino County Board of Supervisors ("BOS") adopted Master Fee Schedule³.

PERMIT EXTENSION – MCC § 18.04.035

Permits are valid for one (1) year, three hundred sixty-five (365) calendar days, from the date of issuance by the Division. Each inspection resulting in an approval of the work shall extend the active status of the Permit for one (1) year, three hundred sixty-five (365) calendar days, including permits that are active as a result of being granted an extension.

Permit extensions are valid for one hundred eighty (180) calendar days from the expiration date of the Permit.

The submittal of revisions to active Permits, shall extend the Permit one hundred eighty (180) calendar days from the submittal of the revisions, unless the CBO determines the Permit was not pursued in good faith.

¹ Electronic entry in the Division's digital records management system is sufficient.

² Neither MCC Sec. 18.04.035 nor CBC R.105.3.2 specify a form requirement.

³ <https://www.mendocinocounty.gov/government/executive-office/county-budget>

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The Division may extend the Permit timeframe for completion without cost to the applicant if:

- The Permit is active, **AND**
- The Permit has been in the Division's or another jurisdictional authority's revision review process, without requiring applicant action, for more than one hundred eighty (180) consecutive days during the life of the issued Permit, **OR**
- An emergency declaration or natural disaster impacts the Division's ability to process a revision or conduct the necessary inspections or the applicant's ability to participate in the permit process, **OR**
- The Division made an error that directly or indirectly impacts the Permit or permit process, **OR**
- The Permit has been pursued in good faith as determined by the Building Official, **AND**
- The Division has documented in writing⁴ the justifiable cause demonstrated to extend the Permit as part of the Permit record.

The Permit holder may request a Permit extension of the timeframe for completion if:

- The Permit is active, **AND**
- The request is made in writing⁵, preferably on the appropriate Department issued form, **AND**
- The request Demonstrates justifiable cause to extend, including but not limited to: hardship(s) or delays outside of the applicant's control related to the professionals providing services, such as agents, architects, or contractors, **AND**
- A payment of the required fee as established by the BOS adopted Master Fee Schedule .

APPLICATION REINSTATEMENT – MCC § 18.04.035

An approved Application reinstatement shall make the Application active for one hundred eighty (180) calendar days from the issuance by the Division.

The applicant may request an Application reinstatement if:

- The Application has been expired for less than three (3) years, **OR**
- The Application has a vested interest as determined by the CBO, **AND**
- There is no Building Code Cycle update that invalidates the existing plans, **AND**
- The request is made in writing⁶ on the appropriate Department issued form, **AND**
- A payment of the required fee as established by the BOS adopted Master Fee Schedule.

PERMIT REINSTATEMENT – MCC § 18.04.035

An approved Permit reinstatement shall make the Permit active for one hundred eighty (180) calendar days from the issuance by the Division. Each inspection resulting in an approval of the work shall extend the active status of the Permit for one (1) year, three hundred sixty-five (365) calendar days.

The Permit holder may request a Permit reinstatement if:

- Approved by the CBO, **AND**
- The Permit has been expired for less than five (5) years, **OR**
- The Permit has a vested interest as determined by the CBO, **AND**
- There is no Building Code Cycle update that invalidates the existing plans, **AND**
- A payment of the required fee as established by the BOS adopted Master Fee Schedule.

⁴ Electronic entry in the Division's digital records management system is acceptable.

⁵ Neither MCC Sec. 18.04.035 nor CBC R.105.3.2 specify a form requirement.

⁶ No specification in the Code. CBO discretion.

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TIMELINES TO CORRECT VIOLATIONS – MCC § 18.04.035

Applications and Permits that are issued to legalize previously nonpermitted construction may receive extensions and/or reinstatements in accordance with this policy. However, the Department, typically through the actions of the Code Enforcement Division, may set alternative timelines for compliance.

For example, a reinstated Permit may be active and valid with the Building Division for one hundred eighty (180) calendar days, but the Code Enforcement Division may require that the Permit receive an approved final inspection within thirty (30) calendar days to avoid further enforcement action(s). Wherever possible, the Permit holder should be notified accordingly.

INTERNAL PROCEDURE TO PROCESS REQUESTS


1. The appropriate Department issued form may be completed, signed, and submitted by the requestor, or in certain circumstances described above, submitted in writing. If the request is for a Permit, then the permittee copy of the Permit and job copy of the plans shall be submitted at the time of the request.
2. The Staff Assistant I/II/III or Permit Technician I/II (“Permit Staff”) will verify that the request is compliant with this policy.
3. The Permit Staff will process the request in the electronic records management system and collect the fee in conformance with the established Division procedures.
4. The Permit Staff will gather the physical address file, if applicable, and in the case of a Permit, the inspector and permittee copy of the Permit and job copy of the plans, and route to the designated Planner for Planning Division review.
5. The Planner will complete the Planning Division portion of the request form.
 - If approved, the Planner will take the physical packet of information, or digitally submit, to the designated Building inspector for Building Division review.
 - If denied, then the Planner will return to the Permit Staff.
6. The Building Inspector will complete the Building Division portion of the request form, approved or denied, and then return the packet of information to the Permit Staff.
7. The Permit Staff will enter the results of the request into the electronic records management system via a change of status and detailed chronology. Then notify the requestor of the result, including an additional chronology. The expected time of completion from request to decision notification is three business days.

REINSTATEMENT REQUEST DENIAL

If the Division denies a request for reinstatement for reasons that cannot be remediated, such as a Building Code Cycle update that would render the plans invalid, then the Application or Permit status in the electronic records management system shall be changed to “Denied”, thus signifying that the Application or Permit can no longer be active. A new submission must be made.

This policy is effective as of the date of the signatures below.

Policy Approved:  Date: 10-30-2024
Richard Angley, Chief Building Official

Policy Approved:  Date: 10/25/2024
Julia Krog, Director Planning and Building Services